

2 June 1834.



(Ireland.)

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B I L L

To extend the Jurisdiction and regulate the Proceedings of the Civil Bill Courts, and to facilitate the proving of Wills, and obtaining Letters of Administration in certain Cases in Ireland.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WH^{EREAS} proceedings by Civil Bill, under and by virtue of an Act passed in the Parliament of Ireland in the thirty-sixth year of the reign of his Majesty King GEORGE the Third, for the better and more convenient administration of Justice, and for the recovery of small debts, in a summary way at the Sessions of the Peace of the several Counties at large within Ireland, except the County of Dublin, and the several Acts in force in Ireland amending the said recited Act have been found very beneficial; and it is expedient to enlarge the jurisdiction of the said Civil Bill Courts, and to facilitate the obtaining Probate of Wills and Letters of Administration, and to diminish the expense thereof where the estate and effects are of small value; ~~We it therefore Enacted~~, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the commencement of this Act, the respective Assistant Barristers in Ireland, the Chairman of the Sessions of the Peace for the County of Dublin, and the Recorder of Dublin, shall have jurisdiction to hear and determine in manner and form by the said Acts appointed in respect of the several Actions therein mentioned, all disputes and differences between party and party for any sum not exceeding

Provable.

1.
Jurisdiction of Civil Bill Courts increased in certain cases.

Pounds sterling in Actions of Debt or Covenant on Bond, Bill or Specialty for payment of Money only, and in Actions of Debt or Covenant of Assumpsit for Rent only, upon leases,

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articles,

articles, minutes or contracts in writing, or upon parol demises or for use and occupation, Actions of Assumpsit or any Promissory Note or Bill of Exchange; and for any sum not exceeding Pounds in all other Actions of Debt and Covenant; and in all other Actions on the Case upon Assumpsit or promises expressed or implied, and in all Actions of Trover and Conversion, and in all Actions on the Case (Slander only excepted) or trespass for any injury or damage done to the person or property, real or personal, of the Plaintiff, (criminal conversation with the Wife of the Plaintiff only excepted); and the said several Actions shall be heard and determined under and subject to all and every the same regulations, restrictions and provisions as are now by law in force respecting proceedings by Civil Bill before any such Assistant Barrister, Chairman or Recorder, in cases where such Assistant Barrister, Chairman or Recorder has now jurisdiction.

2.
If Action be brought in any Superior Courts for cause within the jurisdiction of Civil Bill Courts, Plaintiff shall have no Costs unless the Judge certify that the Action was properly brought in such Superior Court.

And be it Enacted, That if, from and after the commencement of this Act, any Action shall be brought in any of His Majesty's Superior Courts of Record at Dublin, for any cause for which proceedings might have been taken by Civil Bill before any Assistant Barrister, Chairman or Recorder, and the Plaintiff in such Action shall not recover a greater sum than might have been recovered by Civil Bill as aforesaid, then and in such case the Plaintiff shall have Judgment only for the sum so recovered in such Action, without any Costs whatsoever, unless the Defendant or Defendants in such Action shall have consented by a Memorandum signed by him or them, or his or their Attorney, to the Action being brought in one of the said Superior Courts, or unless such Action be for any Tort, and the Judge before whom such Action shall be tried shall certify upon the Record, or, if Judgment shall pass by default, a Judge of the Court in which such Judgment by default shall have been had, shall certify under his hand that the Action was fit to be brought in such Superior Court: Provided always, That nothing herein contained shall alter or affect the Law now in force with respect to Costs in Actions of Trespass or Assault and Battery, in case the Jury shall find the damages to be under Forty Shillings, nor the effect of any Judge's Certificate in such a case.

3.
By special agreement of the Parties, Causes may be tried in Civil Bill Courts, although exceeding the limitations of such jurisdiction.

Provided, and be it Enacted, That if both parties shall agree, by a Memorandum signed by them or by their attorneys, that said Assistant Barristers, Chairman or Recorder, shall have power to try any of the Actions hereinbefore respectively mentioned, in which the sum sought to be recovered shall exceed the sum of hereinafore limited in the case of such Actions respectively, or any Action in which the title to land shall be in question, then and in such case the said Assistant Barrister, Chairman or Recorder shall have jurisdiction and power to try such Action: Provided always, That the said parties or their attorneys shall state in their said Memorandum of Agreement,

Agreement, that they know such Cause of Action to be above the said sum respectively, or that they know such title to come in question in such Action; and provided, that such Memorandum shall be filed with the Clerk of the Peace at the time of entering such Civil Bill: Provided also, That all local Actions to be tried before any Assistant Barrister, Chairman or Recorder, with the consent of the parties, shall be brought and tried in that jurisdiction only in which the lands, tenements or hereditaments in respect whereof such Actions shall be brought, are situate, unless the parties shall, by themselves or their Attornies, signify their consent in writing that the Action shall be brought and tried in some other jurisdiction, wherein either the Plaintiff or the Defendant resides.

And he it Enacted, That where the Real and Personal Estate of any deceased Person shall not exceed the sum or value of *Two hundred Pounds* in the whole, any trustee, executor, administrator, heir, devisee, legatee, creditor, committee, guardian, next friend or other person having or claiming any such right, title, possession, interest therein, or character as would or might entitle him to sue in his own right and behalf, or in right and behalf of another, in the Court of Chancery, may institute proceedings in the said respective Civil Bill Courts by Petition in the nature of a Suit in Equity, as hereinafter mentioned; and the said Assistant Barristers in their respective Counties, and the said Chairman in the County of Dublin, and the said Recorder in the County of the City of Dublin, shall have cognizance of all such Suits, each in their respective jurisdictions, and hear and determine the same according to equity; and shall have power and authority upon such Petitions to make such decrees, and from time to time to make such orders, or to give such further directions, and to appoint receivers and grant injunctions, and to do all such other matters and things as may be convenient or necessary, and in accordance with the principles of proceeding in the Court of Chancery; and all such decrees and orders shall and may be enforced by process under the hand and seal of such Assistant Barrister, Chairman or Recorder; which process shall have in all parts of Ireland, according to the purport thereof, the force and effect of such writ or process to be named therein as would be proper or necessary to enforce any like order or decree of the Court of Chancery: Provided always, That no such Assistant Barrister, Chairman or Recorder shall have cognizance of any such proceeding by Petition in the nature of a Suit in Equity, where any of the necessary parties thereto, except the Petitioner, are resident without the County or place in which such Barrister, Chairman or Recorder has jurisdiction, and no Person shall be made a party to any such proceeding by Petition as aforesaid, to be heard and determined at any Session or adjournment thereof, out of the Division in which he usually resides, unless there shall be more parties than one in the matter of such Petition, in which

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When the Real and Personal Estate of any deceased Person does not exceed 200*l.*, any Person entitled to sue in respect of such Estate in Chancery may proceed by Petition in the nature of a Suit in Equity in the Civil Bill Courts.

No such Proceeding shall be taken where any of the necessary Parties lie beyond the jurisdiction.

case the Petitioner shall be at liberty to proceed in such Division of the County where any one of such parties shall so reside.

5.
Such Proceedings by Petition in the nature of a Suit in Equity, how to be commenced.

And be it Enacted, That such proceedings in the nature of a Suit in Equity shall be commenced by a Petition in writing, addressed to the Assistant Barrister, Chairman or Recorder in whose court such proceedings may be taken, wherein the Plaintiff shall shortly set forth the purport and effect of the Will, Letters of Administration, Deed, Agreement or Instrument; if any, or the circumstances and transactions under which his right to institute such Suit as aforesaid shall have arisen, and all other facts material to show the equity which he may claim, and the nature thereof, and shall set out the names and abode, so far as they may be known to the Petitioner, of all the Persons who would have been necessary parties either as Plaintiffs or Defendants, if proceedings had been taken in the matter of such Petition by Bill in the Court of Chancery: Provided, That where it would be sufficient in any such Bill to describe any such parties generally without naming them, such general description shall be sufficient in such Petition; and every such Petition shall pray generally such relief as to the Court shall seem proper, and shall be lodged in the office of the Clerk of the Peace for the County, at least *Thirty-one* clear Days before the first day of the next Quarter Sessions or adjournment thereof, to be held in the Division in which such proceedings may be taken; and every such Petitioner shall, at least *Twenty-one* Days before the first day of such Sessions or adjournment thereof, obtain from such Clerk of the Peace a Subpoena, wherein the names of all the Defendants may be inserted, and serve the same in the manner now by law required for the service of Civil Bills, upon every Person named as a party in the matter of such Petition, resident within the jurisdiction of such Assistant Barrister, Chairman or Recorder, requiring such Person to answer such Petition so lodged as aforesaid, at least *Six* Days before the first day of such next or adjourned Sessions, and also to appear personally before such Assistant Barrister, Chairman or Recorder, at such Sessions or adjournment thereof, and there to produce any such Books, Papers, Deeds or other Documents, being in his possession, power or custody, as may be material to the matter of such Petition, specifying the same so far as they may be known to the Petitioner; and every such Petition shall remain in the Office of the said Clerk of the Peace, and be open to the inspection of any party named therein, and the Clerk of the Peace shall furnish to any such party a copy thereof within *Forty-eight* Hours after the same shall have been demanded by such party or his Attorney.

6.
The Defendants in such Proceedings shall lodge Answers with the Clerk of the Peace.

And be it further Enacted, That within such period as aforesaid every such Person so made a party to any such Petition shall lodge with the said Clerk of the Peace an Answer in writing signed with his name and abode; and in such Answer it shall be lawful for the party answering

answering to make any defence, or to offer any matter or thing which it would be competent for any Defendant to make or offer in any Suit in Chancery by way of Demurrer, Plea, or Answer, or to join any such defences or matters or things; and in such Answer the party answering shall specify all such deeds, books, papers, writings or other documents mentioned in such Petition as he admits to be in his possession, power or custody, distinguishing such as he submits to produce, and such as he refuses to produce, and also specifying all such other deeds, books, papers, writings or other documents as he means to rely upon and give in evidence in support of such Answer; and it shall not be lawful for any party to give in evidence in support of his Answer any deed, book, paper, writing or document which he shall not so specify by general description or otherwise, (of the propriety whereof the Court shall judge), or shall prove that the same has come into his power or possession after the lodging of such Answer, or shall depose on oath that he was then ignorant of the existence thereof, or unless the Court shall be of opinion that no surprise was intended, or the other parties to such Petition who may appear at the hearing thereof shall consent; and all such Answers shall remain in the office of the said Clerk of the Peace, and be open to the inspection of the Petitioner and all other parties in the matter of such Petition; and such Clerk of the Peace shall furnish to such Petitioner or any such party a copy of every such Answer within *Forty-eight Hours* after the same shall have been demanded of him.

And be it Enacted, That if any party to such Petition shall fail to lodge his Answer within the time aforesaid, it shall be lawful for the Clerk of the Peace, on the application of the Petitioner, to issue an Attachment against him, returnable on the *First* day of the said Sessions, upon an affidavit of the service of such Subpœna; and if the Sheriff shall return *Non inventus* on such Attachment, then such Petition shall be taken *pro confesso* against such party; or if it be necessary that he should make discovery of any facts, or produce any deed, books, papers, writings or documents essential to the case, then it shall be lawful for any such Assistant Barrister, Chairman or Recorder to order Process of Sequestration to issue against such party.

And be it Enacted, that if any party to such Petition, being duly served with such Subpœna as aforesaid, shall neglect to attend at the hearing of such Petition, and that any discovery not fully and sufficiently made by his Answer be required of him, or that any deeds, books, papers, writings or documents which he may have been required to produce, and of which the Court may lawfully require the production, be not then produced by some one on his part, then and in any such case, it shall be lawful for the Court at its discretion to order Process of Attachment or Sequestration to issue against such party.

7.
Proceedings
to enforce
Answers.

8.
Proceedings
to enforce
attendance at
hearing.

9.

If any Party to such Petition prove that the Assets exceed 200*l*, such Proceeding shall cease.

And be it Enacted, That if any Answer shall be lodged with the Clerk of the Peace, whereby it shall be made to appear that the Real and Personal Estate referred to in such Petition exceeds the sum or value of Two hundred Pounds, the cause shall cease before the Assistant Barrister, Chairman or Recorder, upon the party who shall put in such Answer verifying the contents of the same upon oath; and the Costs of such Party so answering, and of all other Parties in such Petition, shall be allowed and paid by the Petitioner, and payment thereof shall be enforced in like manner as any sum ordered to be paid by any Civil Bill Decree; provided that in case none of the parties so answering shall affirm and prove that such Real and Personal Estate exceeds the sum or value of Two hundred Pounds as aforesaid, then, although it shall afterwards appear that the same do exceed such sum or value, the cause shall be deemed and taken to be and have been within the jurisdiction of such Assistant Barrister, Chairman or Recorder.

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There shall be no hearing until it be proved that all the Parties have been served with Process.

And be it Enacted, That no Assistant Barrister, Chairman or Recorder shall proceed in the hearing of any such Petition until it shall be proved that a Subpoena has been duly served upon each of the parties thereto, unless where any party shall have answered such Petition, or shall by himself or his attorney appear at the hearing, or shall have made any application in the matter thereof, or unless the appearance of such party may not be necessary to making a decree in the matter of such Petition.

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11.

If not entered, such Petition shall be dismissed.

And be it Enacted, That every such Petition shall be entered for hearing by the Petitioner on the First or Second day of such Sessions or Adjourned Sessions, with the Clerk of the Peace, and if not so entered, it shall be lawful for any party thereto to apply to the Court to have the same dismissed, and the same shall be dismissed accordingly; and the Costs of all the parties thereto shall be taxed and paid by the Petitioner, and payment thereof enforced in like manner as in any case where a Dismissal shall be obtained on any proceeding by Civil Bill.

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12.

At hearing, the Court may examine the Parties on Oath, on Deaf, or upon Interrogatories.

And be it Enacted, That upon the hearing of every such Petition it shall be lawful for the Court to examine any party or witness in the matter of such Petition on Oath, or *tenor*, and for any party to examine any other party or witness, and to obtain by such examination a discovery of all matters and things whereof a discovery might be compelled by any proceeding in the Court of Chancery; and it shall be also lawful for such Court to direct any party or witness to be examined on Interrogatories touching the matter of such Petition, and to receive the Depositions therein taken in evidence; and it shall be lawful for the Court to adjourn the hearing of such Petition or any proceeding in the matter thereof, from time to time or from Sessions to Sessions; and all parties concerned in the matter of such Petition shall be

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be bound to attend from time to time according to such adjournment; and the order of such Court, and the attendance and obedience of such parties and witnesses shall and may be enforced by all such ways and means as their attendance and obedience may be enforced at the first hearing of such petition.

And be it Enacted, That if any Person appearing as a Witness before any such Assistant Barrister, Chairman or Recorder, or any party in a cause required to be examined before such Assistant Barrister, Chairman or Recorder, as hereinbefore mentioned, shall refuse to be sworn, or, being a Quaker or Moravian, to make his Affirmation, or, being sworn or having made his Affirmation, shall refuse to answer such questions or to make such discovery as may be lawfully put to or required of him, or to produce any books, papers or writings which may have been required as hereinbefore mentioned to be produced, and which he may be lawfully ordered by the Court to produce, it shall be lawful for the Court to commit him to the *Common Gaol or House of Correction* of the County in which he resides for his contempt, until he shall submit to be sworn, or to make his Affirmation, or to give evidence or make discovery or to produce what is required, as the case may be.

Provided, and be it Enacted, That if upon the hearing of any Petition, or in any other proceeding thereupon, the Court shall see fit to require the personal attendance and examination of any Party, who may not have been otherwise bound to give his attendance, it shall be lawful for such Court to direct a Subpoena, requiring the attendance of such Party at a time to be therein named, to be served upon such Party; and in default of the attendance of such Party pursuant to such Subpoena, to order Process of Attachment or Sequestration at its discretion to issue against such Party.

Provided, and be it Enacted, That when any Petitioner or Party shall be desirous of amending his Petition or Answer, or of delaying the hearing of such Petition, he shall make application on the *First* day of the Sessions or Adjourned Sessions, at which such hearing ought to be had, giving notice of the other parties as may be in attendance; and the Court shall, upon hearing on Oath the Party or his Attorney in the matter of such application, and also the other Parties or their Attornies, have power to grant or refuse such application, and to impose such terms as it may think fit in respect of Costs or admissions on the Party making the same; but if the Court refuses the said application, it shall in every case order that the Party applying shall pay the Costs of the other Parties; and in all cases such Court shall have power to cause the whole or any part of the Costs to be paid by the Attorney, if the cause of such application shall appear to have been occasioned by any default or neglect upon his part.

13.
Parties guilty
of Contumacy,
how to be
punished.

14.
Court may
summon Wit-
nesses not
summoned by
the Parties.

15.
Parties may
apply for time
or to amend
Petitions or
Answers.

16.

Court may try
any fact by a
Jury.

And be it Enacted, That where any such Assistant Barrister, Chairman or Recorder shall, in the hearing of any such Petition, think proper to have any controverted fact tried by a Jury, then and in such case a Jury shall be returned instantly by the proper officer, in like manner as in cases of proceeding by Civil Bill; and the Court shall proceed to make its decree on the verdict of such Jury, or otherwise proceed in the matter of such Petition as to such Court shall seem fit.

17.

Court may
make Reference
to Clerk
of the Peace,
a Master Extraordinary
of Court of
Chancery, or
a Person
agreed on by
the Parties.

And be it Enacted, That the said Assistant Barristers, Chairman or Recorder shall have power and authority to refer any depositions or account to be taken, or other matter to be inquired into, to the Clerk of the Peace, or to any Master Extraordinary in the Court of Chancery, or to any Person or Persons chosen by the parties, which Master or Person or Persons so agreed on as aforesaid shall be deemed and taken to be an Officer or Officers of the Court for such purpose; and the Person or Persons to whom such Reference may be made shall report thereon to the Assistant Barrister, Chairman or Recorder, who shall hear any objections or exceptions which may be taken thereto, and confirm or disallow such Report, or refer back the same to such or any other like Person, with such directions as he may think fit; and the Parties and Witnesses shall be bound to attend every such Person or Persons to whom any such Reference may be made, and answer upon oath (which Oath he or they are hereby authorized to administer) all such matters and things as may be material to the subject of such Reference.

18.

Court shall be
in the discre-
tion of the
Court.

And be it Enacted, That the said Assistant Barristers, Chairman and Recorder shall respectively have all such jurisdiction with respect to the Costs of such Proceedings by petition, as the Court of Chancery may have in respect of the Costs of any suit in such Court; and all such Costs shall be taxed by the Assistant Barrister, Chairman or Recorder before whom such proceedings may have been instituted; and it shall be lawful for them to require security for such Costs in any case where they may think fit to require the same; and such security may be taken by recognizance in the manner now appointed in the case of an appeal against any Civil Bill Decree, or in such other manner and form as they may think convenient.

19.

Money
required to be
paid into
Court shall be
paid to the
Sheriff of the
County, and
may be
received in
Government
Securities.

And be it Enacted, That in any case in which the said Assistant Barrister, Chairman or Recorder shall think fit to direct any Money to be paid into Court, the same shall be paid to the Sheriff of the county, who shall receive the same in like manner as he is now by law required to receive any deposit which may be paid to him in any Civil Bill case; and such Sheriff shall apply all such Money as he shall receive under authority of this Act according to the orders and directions of such Assistant Barrister, Chairman or Recorder, who shall have power and authority

authority to direct the investment of any such Monies in Government Stock or Securities in the name of such Sheriff, to the credit of the parties to such Petition; and from time to time to direct sales and transfers thereof, and payment of the interest and dividends accruing therefrom; and all such sales, transfers and payments shall be made by such Sheriff upon an order in writing under the hand of the Assistant Barrister, Chairman or Recorder for the time being, and shall be a good and sufficient warrant for the same to all intents and purposes.

And be it Enacted, That where any Decree or Order of any Assistant Barrister, Chairman or Recorder shall direct any Sale or other Disposition of Lands or other Property whatsoever, the same shall be had by and before the Sheriff of the County wherein such lands or property may be; and the respective Sheriffs throughout Ireland are hereby required to proceed, and sell or otherwise dispose of, in pursuance of such Decree or Order, the subject matter therein mentioned, upon production of an attested copy of such Decree or Order, signed by the Clerk of the Peace, without further warrant or authority.

20.
Sales, or other disposition of Property under Decree of the Court shall be made by the Sheriff.

And be it Enacted, That where any Person shall be directed by any such Order or Decree as aforesaid to execute any Deed or other Instrument, or make any surrender or transfer, if it shall appear upon affidavit to the satisfaction of the Court that such Person refuses or neglects to execute or make the same, it shall be lawful for the Court, after the expiration of days, to make an order in open court that the Clerk of the Peace shall execute such Deed or Instrument, or make such surrender or transfer, and to do all acts necessary to give validity and operation thereto; and the execution of such deed or instrument, or the surrender and transfer made by the Clerk of the Peace, shall in all respects have the same force and validity as if the same had been made or executed by the party himself.

21.
Court may order execution of Deed, &c. if neglected to be executed by Person ordered.

And be it further Enacted, That the Clerk of the Peace shall, on the reasonable request of any Party in any such Petition as aforesaid, or of any Creditor or Legatee interested in the matter of any such Petition, or his Attorney, produce and show to such Party or Creditor and his Attorney, at all reasonable times, such Petition, Decrees and all other Orders and Proceedings made and had in the matter of such Petition, and all books, papers and writings filed in such matter, and permit him to inspect and examine the same, and shall provide for any such Party, Legatee or Creditor or his Attorney requiring the same, a copy or copies of such Petition, Answer, Decree, Order or Proceedings, or of such part thereof as shall be so required, receiving the lawful fee; and that a copy of such Petition, Order and other Orders and Proceedings, purporting to be signed by the Officer in whose custody the same shall be, or his Deputy, certifying the same to be a true copy of such Petition,

22.
All Proceedings in such Petitions shall be open to the inspection of all Parties interested. Copies signed by Clerk of the Peace shall be good evidence of all Decrees and other proceedings.

Order or other Proceeding, shall at all times be admitted in all Courts whatever as sufficient evidence of the same, without any proof whatever given of the same, further than that the same is signed by such Clerk of the Peace.

23.
Provisions of
Civil Bill Acts
relating to
employment
of Counsel,
&c. shall ex-
tend to pro-
ceedings
under this Act.

And be it Enacted, That all and every the Provisions of the said recited Acts in respect of the employment of Counsel and the duties of Sheriffs and of Clerks of the Peace, in relation to any proceedings by Civil Bill, shall apply and extend to the proceedings by Petition in the nature of a Suit in Equity under this Act; and all other the regulations and provisions of the said Acts in relation to proceedings by Civil Bills, shall apply and extend to the proceedings under this Act, so far as the same are applicable thereto, or not repugnant to or inconsistent with the provisions of this Act.

24.
Appeal from
Decision of
Assistant
Barrister on
such Petition
may be made
to Courts of
Chancery or
Exchequer as
a summary
way.

Provided, and be it Enacted, That it shall and may be lawful for any Petitioner or Party to any such Petition, who may think himself aggrieved by such proceedings, or by any Order or Decree made by any Assistant Barrister, Chairman or Recorder in the matter thereof, to apply by Petition to the Court of Chancery or Exchequer, stating the matter, and praying relief; and it shall be lawful for such Court summarily to inquire into the matter of such Petition, and thereupon to dismiss the same, or to direct a Writ of Certiorari to issue to such Assistant Barrister, Chairman or Recorder, and upon the return thereof to make an Order reversing, discharging or altering the Decree or Order of such Assistant Barrister, Chairman or Recorder, or directing a Writ of Procedendo to issue, or that the cause shall be retained in such Court; and in case the Court shall order the cause to be retained, the cause shall be prosecuted before such Court, or before the Chief Remembrancer, or one of the Masters thereof, in like manner and form, subject to the directions of the Court, as the same might have been prosecuted in the Court of such Assistant Barrister, Chairman or Recorder out of which the same was removed; and the Court shall make such order as to the Costs of any such Petition as to it may seem fit.

25.
Lord Chan-
cellor, with
assistance of
the Master of
the Rolls and
Barons of the
Exchequer,
shall frame Ge-
neral Orders
for regulating
the practice
in such Peti-
tions in the
nature of Suits
in Equity.

And be it Enacted, That it shall and may be lawful for the Lord High Chancellor of Ireland, or the Lord Keeper or Lords Commissioners for the custody of the Great Seal of Ireland respectively for the time being, by and with the advice and assistance of the Master of the Rolls and the Chief and other Barons of the Court of Exchequer in Ireland, and they are hereby required, within Three Months after the passing of this Act, to make and issue such General Orders as he shall think fit for regulating the forms, costs and manner of proceedings by Civil Bill in the nature of a Suit in Equity under this Act in the said Civil Bill Courts in Ireland; and for carrying the provisions of this Act in respect of such proceedings into execution, and for simplifying, establishing

establishing and settling the course of practice in the said Courts, from time to time to amend, alter or vary any Order or Orders so as aforesaid made, and to make any new General Order or Orders for the like purpose; and copies of all such Orders shall be transmitted to the
 5 Clerks of the Peace of the respective Counties of Ireland, to be by them kept and preserved in their offices, and there to remain open at all times to public inspection.

And be it Enacted, That the said Assistant Barrister, Chairman or Recorder shall duly observe and keep all such Orders, and that the
 10 same shall be binding and obligatory in the said Courts, and of the like force and effect as if the same had been expressly enacted by Parliament; and all such Orders shall be laid before Both Houses of Parliament, if Parliament be then sitting, immediately upon the making of the same, or if Parliament be not sitting, then within Five Days after
 15 the next meeting thereof.

And be it Enacted, That any Party in any cause, whether the same be a proceeding by Civil Bill or Petition in the nature of a Suit in Equity depending in the Court of any Assistant Barrister, Chairman or Recorder, may obtain from the Clerk of the Peace a Subpoena,
 20 signed by the Clerk of the Peace, requiring the attendance of any Witness before the said Court; and service of any such Subpoena in any part of Ireland shall be as valid as if the same had been served within the County in which such cause may be depending; and if any Witness so summoned shall neglect or refuse to attend, and it shall be proved
 25 before the said Assistant Barrister, Chairman or Recorder, that he was personally summoned, and that his reasonable expenses were tendered to him, it shall be lawful for the said Assistant Barrister, Chairman or Recorder, to order the said Witness to appear before him at such time and place as he shall think fit to appoint; and in case the said Witness
 30 shall not on appearing make a sufficient excuse, or in case he shall fail to appear in pursuance of such Order, to fine the said Witness in a sum not exceeding Twenty Pounds, and to cause such Fine to be paid over to the Party on whose behalf such Witness was summoned, and failed to attend; and if such Fine shall not be paid accordingly, the same
 35 shall be recovered by all such ways and means as any money ordered to be paid by any decree of such Assistant Barrister, Chairman or Recorder, may be recovered in any proceeding by Civil Bill.

And be it Enacted, That if any Person taking an Oath or making an Affirmation in any Action, Examination or other Proceeding, under the
 40 provisions of this Act or the said recited Acts, shall wilfully and corruptly swear or affirm falsely, he shall be deemed guilty of Perjury, and shall be liable to be prosecuted and punished accordingly; and if, in any such Action, Examination or other Proceeding, the said Assistant

26.
 General Orders to be binding on said Courts, and to be laid before Both Houses of Parliament.

27.
 Clerk of the Peace to Supply Subpoenas of attendance.

Penalty for disobedience to such Subpoena.

28.
 Perjury.

Barrister, Chairman or Recorder, shall deem any Witness or Party to have wilfully and corruptly sworn or affirmed falsely, it shall be lawful for him to direct such Witness or Party to be prosecuted for the same by the Clerk of the Peace of the County within which the Witness or Party so swore or affirmed; and such Clerk of the Peace shall prefer an indictment or indictments against such Witness or Party, and prosecute the same according to the course of the law; and the Court in which such prosecution or prosecutions shall be, shall make an order for payment of the expenses of the same upon the Treasurer of the County.

29.

Where the Assets of any deceased Person shall not exceed £500, Probate or Letters of Administration shall be obtained through the Clerk of the Peace.

And be it Enacted, That when the goods, chattels and credits (exclusive of real estate not being chattel) of any deceased Person shall not exceed in the whole the sum or value of *Two hundred Pounds*, any Person who may be entitled and desirous to obtain Probate of any Will or Testamentary Paper made by such deceased Person, or who may be entitled and desirous to obtain Letters of Administration to the estate and effects of such deceased Person, shall, instead of the manner now by law appointed for obtaining such Probate or Letters of Administration, make application to the Clerk of the Peace of the County in which such goods, chattels or any of them may be; and in case there be any Will or Testamentary Paper whereof such Person may desire to obtain Probate, he shall lodge the same with such Clerk of the Peace; and every such Person so applying for any Probate or Letters of Administration shall make Affidavit before such Clerk of the Peace, that to the best of his knowledge and belief the goods, chattels and credits (exclusive of real estate not being chattel) of such deceased Person, do not exceed in the whole the sum or value of *Two hundred Pounds*, and shall lodge with such Clerk of the Peace an Inventory of such goods, chattels and credits, and verify the same upon oath; and in case there be any Will or Testamentary Paper, he shall depose in such Affidavit that such Will or Testamentary Paper was made by such deceased Person; and if such Person shall claim to have Probate thereof as an Executor, he shall also depose that he is such Executor; and if such Person shall claim to have Letters of Administration granted to him, either with or without the Will annexed, as the case may be, he shall depose to and specify in such Affidavit the right in which he claims to have such Letters of Administration; and in case he claims to have such Letters of Administration without any Will annexed, he shall also depose that to the best of his knowledge and belief the deceased died intestate.

30.

Proceedings where Probate is claimed by an Executor.

And be it Enacted, That in case any such application for Probate of any Will or Testamentary Paper shall be made by any Person claiming to be Executor of the Testator, the said Clerk of the Peace shall forthwith transmit such Will or Testamentary Paper, together with the Affidavit of the application, to the proper Officer of the Court having jurisdiction to grant such Probate, and the Judge thereof shall thereupon

upon examine the documents so transmitted to him, and if he shall be of opinion that it is fit and proper, according to the principles of proceeding in such Court, that Probate should be granted of such Will or Testamentary Paper, as of a Will, or of any part thereof, and that the Inventory and Affidavit are sufficient, he shall cause Probate to issue accordingly, and shall transmit such Probate to the Clerk of the Peace from whom he shall have received the original documents, to be by such Clerk of the Peace delivered to the Applicant for such Probate, upon payment of the proper fees, as set forth in the Schedule to this Act annexed, and taking the usual oath; and such original documents shall be deposited in the Registry of the Court granting such Probate, among the other Wills and Documents there preserved, and shall be open to the inspection by any Person upon payment of the sum of Sixpence.

And be it Enacted, That in case any such application for Probate of any Will or Testamentary Paper shall be made by any Person not claiming to be the Executor of the Testator, and in all cases where such application shall be made for Letters of Administration, the Clerk of the Peace to whom such application may be made shall forthwith issue Summons in the nature of citations, under his hand, requiring the Widow and Next of Kin of such deceased Person to show cause why Letters of Administration should not be granted to the Applicant, or to prefer their own respective claims to such Letters of Administration within One Month next after the service of such Summons; and within such period it shall and may be lawful for such Widow or Next of Kin to claim to have such Letters of Administration granted to them or any of them; and every Person so claiming shall make Affidavit either before the said Clerk of the Peace or any Justice of the Peace, specifying and deposing to the right in which she or they may so claim; and all such Affidavits shall be lodged with the said Clerk of the Peace within the said period; and any Person having any such claim, who shall not, within such time, lodge such an Affidavit, shall be deemed to have renounced such claim; and at the expiration of such period, and upon due proof upon oath before such Clerk of the Peace of the service of such Summons at the usual place of abode of such Widow and Next of Kin, or so many of them as shall be known to such Applicant, in cases where she or any of them shall not have lodged any such Affidavit as aforesaid, such Clerk of the Peace shall transmit to the proper Officer of the Court having jurisdiction to grant such Letters of Administration, the Affidavit of the first Applicant, and the Affidavits, if any, of all such other Persons claiming to have such Letters of Administration: Provided always, That when any such Applicant for Letters of Administration shall make affidavit to the best of his knowledge and belief, before such Clerk of the Peace, that there is no Widow, or that the Next of Kin are not known to such Applicant, it shall not be necessary to issue such Summons, but in such case the said Clerk of the Peace shall forthwith

31.

Proceedings where application is made for Probate by any Person not being an Executor, or for Letters of Administration.

Proceedings where Next of Kin are unknown.

Proceedings
where an im-
mediate grant
of Letters of
Administration
is necessary.

transmit the Affidavit of such Applicant to the said Officer of the said Court: Provided further, That where the estate and effects of any deceased Person shall be of a perishable nature, or in danger of being wasted, or from any other cause it may be proper that Letters of Administration should be granted without delay, it shall be lawful for the said Clerk of the Peace, upon an Affidavit stating such danger or other circumstances, and he is hereby required forthwith upon any such special application as aforesaid, to transmit the ordinary Affidavit of such Applicant, together with such special Affidavit, stating the necessity for an immediate grant of Letters of Administration, to the proper Officer of the said Court.

32.

Judges of the
Ecclesiastical
Court shall
grant Probate
of Letters of
Administration
on such
Applications,
and transmit
them to the
Clerk of the
Peace for
delivery to the
Parties.

And he it Enacted, That the Judge of the Court to which any such Affidavits may be transmitted, in case he shall consider the first Applicant or any of the Persons making such Affidavits and applying for such Letters of Administration, to be entitled, according to the usual course of proceeding in such Court, to the same, shall cause such Letters to be issued to such Person or to such of the said Persons as he shall consider so entitled; and the same shall be transmitted to the Clerk of the Peace to whom application shall have been made, by whom they shall be delivered to the Person to whom they shall have been granted, upon taking the usual oath, and upon payment of the proper fees, as set forth in the Schedule to this Act annexed; and upon such Person or Persons lodging the usual Inventory and verifying the same upon oath, and entering himself and his sureties into the usual bond, which Affidavit, Inventory and Bond the said Clerk of the Peace is hereby authorized to take, and when taken to transmit to the proper Officer of the Court by which such Letters of Administration may have been granted, who shall place the same among the other Bonds, Inventories and Affidavits deposited in the Registry of such Court.

33.

Caveats when
to be entered.

And he it Enacted, That when the goods, chattels and credits of any deceased Person do not exceed to the whole the sum or value of Two Hundred Pounds, it shall be lawful for any Person desirous of entering a Caveat against Probate of any Will or pretended Will of such deceased Person, or against the grant of Letters of Administration of the estate and effects of such deceased Person, to lodge such Caveat with the Clerk of the Peace of any County in which the goods, chattels or credits, or any of them, of such deceased Person shall be; and every Person shall at the time of lodging such Caveat, make affidavit before the Clerk of the Peace of all the facts, reasons and circumstances which induce him to enter such Caveat; and generally it shall be lawful for the Clerk of the Peace to require any Person entering a Caveat to answer upon oath all such material questions as he shall think fit to put to him upon the matter in question; and all such answers shall be reduced into writing; and such Clerk of the Peace shall forthwith transmit such Caveat and Affidavit and Depositions to the proper Officer of the Court having authority

authority to grant such Probate or Letters of Administration, or as he may be required by the Party lodging such Caveat.

And be it Enacted, That whenever the Judge of any such Court shall think fit, upon consideration of any such Caveat and the matters alleged in the Affidavit attached thereto, or otherwise, to withhold the grant of any Probate or Letters of Administration for which application shall have been made in manner hereinbefore mentioned, he shall and is hereby required to state in writing the reasons why the same ought to be withheld, or the matters or facts, if any, material to be ascertained, in order to determine the propriety of granting or refusing such Probate or Letters of Administration, and the question at issue, and the parties proper to be cited to contest the same, and shall sign his name thereto, and shall transmit such statement to the Clerk of the Peace, to whom such application for the Probate or Letters of Administration may have been made; and such Clerk of the Peace shall issue Summons under his hand to each and every of the Persons specified in such statement of such Judge as proper to be cited, requiring them to appear at the next Quarter Sessions, or Adjournment thereof, to be held in such County, and setting out the matter then to be inquired into and the question at issue, and shall lay such statement before the Assistant Barrister of the County at such next Sessions or Adjournment thereof; and such Assistant Barrister, upon due proof, upon oath, of the service of such Summons at the usual place of abode of all such Persons so directed to be summoned, or upon their appearance, shall inquire by the examination on oath of the parties interested, and such Witnesses as may be produced, and the inspection of such Deeds, Instruments or Writings as may be necessary (the same being duly proved), into such facts or matters, and decide such issue in a summary way, and may for that purpose cause a Jury to be summoned instantly, and use and employ all the power and authority which he may possess for the trial of any other matter or matters in and by virtue of his office, and shall certify the result of such inquiry, and his determination of such issue, to the said Judge, who shall thereupon grant or withhold such Probate or Letters of Administration according to the finding of such Assistant Barrister.

Provided always, That if such Judge shall think the matter in question to be of a nature fit to be investigated by the Justices of the Peace at Petty Sessions, he shall so declare in such statement; and in such case the Clerk of the Peace shall lay the same before the Justices assembled in Petty Sessions, in the Division in which his Office shall be situate, and issue Summons to the Parties interested accordingly; and such Justices shall inquire summarily, by the examination on oath of the Parties and the Witnesses who may be produced, into and decide upon the facts by such statement appointed to be ascertained, and certify their finding, or the finding of a majority of them, thereupon to the Judge, who shall receive the same as proved.

34.

If the Judge shall refuse Probate or Letters of Administration, he shall state his reasons, and the Parties proper to be cited, and refer the matter to the Assistant Barrister of the County as his decision.

35.

When the matter is fit for investigation of the Justices at Petty Sessions, it shall be referred to them.

36.

Having certain
powers of
Mortgage
Courts.

Provided, and be it Enacted, That nothing herein contained shall affect the power and authority of any Court to issue Letters ad colligendum, or to require any further Inventory, or to annul or revoke any Probate or Letters, of Administration, or to compel any Executor to, prove any Will or Testamentary Paper, or exonerate and discharge any Executor de son tort from any liability to which he may be subject, or give to any Probate or Letters of Administration any greater force or effect than the same might have had, if obtained by direct application to the Court granting the same in common and not solemn form, according to the mode used and established before the passing of this Act.

37.

This Act not
to extend to
certain species
of Administration
where the Assets at
death of the
Party shall
not have ex-
ceeded 200*l*.

Provided, and be it Enacted, That the provisions of this Act shall not extend to any Administration de bonis non, nor to any Administration for any limited or special purpose, where goods, chattels and credits of the deceased Person shall at the time of his decease have exceeded the sum or value of *Two hundred Pounds*.

38.

Summons in
the nature of
disputes shall
be served at
expense of the
Party seeking the Administration.

And be it Enacted, That all such Summons by this Act directed to be served upon the Widow or Next of Kin of any deceased Person, or upon any Person directed to be summoned to attend any inquiry before the Justices at Petty Sessions, or the Assistant Barrister of any County, shall be served by or at the expense of the Party first applying for any Probate or Letter of Administration; and that such Justices and Assistant Barrister shall have authority to award Costs to be paid by or to any party in any inquiry before him or them respectively; and such Costs shall be recovered by Civil Bill, or Action in any Court of Record.

39.

Provisions of
this Act shall
extend to
Letters Testa-
mentary or
Probate of
Nuncupative
Wills.

And be it Enacted, That the provisions of this Act shall extend to Letters Testamentary or Probate of Nuncupative Wills, and that application shall be made for the same to the Clerk of the Peace in like manner as in other cases, and proof thereof made before him in the manner now by law required before granting such Letters Testamentary or Probate of Nuncupative Wills.

40.

Table of Fees
to be constantly
exposed in
some conspicu-
ous part of
Court of
Quarter Ses-
sions and of
Office of Clerk
of the Peace.

And be it Enacted, That a fair and legible Table of the Fees payable upon all Proceedings upon Civil Bills, or Petitions in the nature of Suits in Equity, or under the other provisions of this Act, be constantly exposed in some conspicuous part of the Court of Quarter Sessions and of the Office of the Clerk of the Peace in each County; and that on proof made, on summary application to the Court, of any neglect or omission of such exposure, the Clerk of the Peace so neglecting shall forfeit the sum of *Five Pounds*.

41.

So much of
the Statutes of
36 & 38 G. 3.
c. 36, as

And be it Enacted, That so much of the said recited Acts of the thirty-sixth and thirty-eighth years of the reign of his Majesty King George

GEORGE the Third, as require the Oaths thereby to be taken by the several Clerks of the Peace or their Deputies, and by the Attornies practising in the Civil Bill Courts, at the commencement of every Session, be Repealed; and that in future it shall be sufficient to administer to such Clerks of the Peace or their Deputies, or to such Attornies, on their entrance into office, or commencement of practice in each County, an Oath in the form of the Third Schedule to this Act annexed; such Oath to be in writing, and attested by the Signature of the Assistant Barrister, and to be deposited in the Office of the Clerk of the Peace amongst the Records of the Court.

require Oaths to be taken by Clerks of Peace and Attornies, Recorder, and other Oaths substituted.

And be it Enacted, That the Provisions of the said recited Act of the thirty-sixth year of the reign of King GEORGE the Third, under which the Defendant is allowed to appeal to the Oath of the Plaintiff, be extended to both Parties, who shall be mutually at liberty to appeal to the Oath of each on the subject of the alleged Cause of Action.

42.
Provisions of 7th Section of 36 G. 3. c. 95. extended to both Parties.

And be it Enacted, That in case of any Appeal from Civil Bills Decrees or Dismisses, it shall be competent, on the hearing of said Appeal, for the Court, at its discretion, in addition to the Costs of the Appeal, to award and include in those Costs a reasonable Sum as an allowance for the loss of time of the Party who shall have obtained such Decree or Dismiss.

43.
Court may award Allowance for loss of time to Party appealed against, in addition to Costs of Appeal.

And be it Enacted, That the Court of Quarter Sessions shall, after the first day of every Session, commence its Sittings at the latest at Ten of the clock in the forenoon, save when prevented by the illness or unavoidable absence of the Assistant Barrister, Chairman or Recorder, or other fatality; and that it shall be lawful for the Assistant Barrister, Chairman or Recorder, to proceed in Criminal Business, notwithstanding there shall not be the attendance of any other Magistrate; and that no new Trial in Criminal Cases shall be entered upon after the hour of Six of the clock in the afternoon of any day.

44.
Regulating hours of Sitting of Court of Quarter Sessions.

And be it Enacted, That in case of the death or disability of any Clerk of the Peace during Sessions, and of no appointment of a Successor or Deputy, the Magistrates at the Quarter Sessions be empowered to appoint a fit and proper Person to act as Clerk of the Peace ad interim, and to allocate a due proportion of the Fees or Salary, in remuneration of the Person so acting; and that in case of the unavoidable absence of the Clerk of the Peace from any Sessions (no Deputy being by him appointed) a similar power be vested in such Magistrates.

45.
In case of death of Clerk of Peace during Sessions, Magistrates to have power to appoint person.

And be it Enacted, That an Office shall be permanently kept in the Assizes Town of every County in Ireland, and that daily attendance

46.
Regulating hours of keeping Office of Clerk of Peace open.

ance be given in such Office by the Clerk of the Peace, or by some competent Person properly authorized by him, for the purpose of receiving Informations and discharging the other business of the Office, between the hours of Ten of the clock in the forenoon, and Three of the clock in the afternoon on every day, except Christmas Day, Good Friday and Sundays; and that in case such Clerk of the Peace shall omit or neglect to keep such Office, or to give or cause to be given such daily attendance between the hours prescribed, he shall forfeit the sum of Twenty Pounds.

47-

The Fees specified in the First and Second Schedules to this Act deemed lawful Fees; Penalty of 50*l*. for neglect of any other.

And be it Enacted, That the Fees specified in the First and Second Schedules to this Act annexed, shall be established, and be deemed and taken as the lawful Fees and Emoluments for the discharge of the several duties under this Act therein specified, both in the Ecclesiastical Courts and the Courts of Quarter Sessions in Ireland; and that the same, so far as relates to Ejectment or other Civil Bill business, shall be in lieu of the several Fees heretofore by law established, and shall be taxed and allowed against the Party in the same way as is provided for by the said recited Acts or this Act; and that the receipt of any other Fee, Gratuity or Emolument, or other consideration, for any of the services therein specified, or for any matter connected therewith, save such Fees as may be appointed to be paid on proceedings by Petition under this Act by the Lord Chancellor, or Keeper or Commissioners of the Great Seal in Ireland, pursuant to the provision herebefore contained, by any Assistant Barrister, Chairman, Recorder or Officer of the Ecclesiastical Court, Clerk of the Peace, or Attorney, shall subject such Person to the pecuniary penalty of Fifty Pounds for each offence.

48.

Lord Lieutenant may direct General Sessions of the Peace and Civil Bill Courts to be held Four times a year in each town appointed for holding Sessions in Ireland.

AND whereas the Lord Lieutenant or other Chief Governor or Governors of Ireland may divide each of the Counties at large in Ireland (except the County of Dublin) into two Divisions, and may nominate and appoint one or more convenient Town or Towns therein, at one of which the General Session or Quarter Sessions of the Peace shall be held Four times in each Year: AND whereas it would contribute much to the ease of the Poor (whose Causes principally are tried by Civil Bills, and who are now frequently brought far from their homes for sums of small value, and as witnesses or parties in cases of Assault) if there were more frequent opportunities of hearing and determining Causes by Civil Bill, and of holding Sessions within the several Counties; BE it therefore Enacted, That from and after the passing of this Act, it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland, from time to time, if he shall so think fit, by and with the Advice of the Privy Council, and upon the application of the majority of the Magistrates in Quarter Sessions assembled, and not being less than Five in number,

to

to direct that a General Session of the Peace and Civil Bill Court be held
Four times in every Year in all or any of the Towns appointed for
 holding Sessions within such County; and the Lord Lieutenant or other
 Chief Governor or Governors of Ireland shall nominate and appoint
 the Baronies or Half Baronies or Parishes for which respectively such
 Sessions shall be held.

AND whereas by the said Act of the fourth year of the reign of
 King GEORGE the Fourth, certain Towns are specified and appointed
 for holding of General Sessions in and for the East Riding and West
 Riding of the said County of Cork respectively, and a power is thereby
 given to the Lord Lieutenant or other Chief Governor or Governors
 of Ireland, on the representation of the Grand Jury at any Assizes for
 the said County, to nominate and appoint any other Town or Place
 in the East or West Riding of the said County respectively for the
 holding of any General Sessions under the said Act, in lieu of or
 alternately with any Town in such Riding mentioned in the said Act;
 but no authority is by the said Act given to vary or alter the order in
 which such General Sessions shall be holden in the Towns in each of
 the said Ridings respectively, by reason whereof great inconvenience
 has been found to exist; BE it therefore Enacted, That it shall and
 may be lawful for the Lord Lieutenant General or other Chief Governor
 or Governors of Ireland, from time to time, as he or they shall see fit,
 by his or their Warrant, to regulate and prescribe the order and suc-
 cession in which General Sessions shall be holden in the several Towns in
 the said East Riding and West Riding respectively specified in the
 said Act, or in any other Towns in the said Ridings respectively to be
 appointed for the holding of such Sessions by virtue of the said pro-
 vision in the said Act for that purpose, and in like manner to vary or
 alter such order or succession from time to time.

49.
 Lord Lieutenant
 to regulate the order
 in which Gen-
 eral Sessions
 shall be held
 in towns of
 the County of
 Cork.

AND whereas by an Act passed in the fourth year of the reign of
 his late Majesty King GEORGE the Fourth, intituled, "An Act to
 regulate the Amount of Presentments by Grand Jurors for Payment
 of the Public Officers of the several Counties in Ireland," a Salary
 of Thirty Pounds of the late currency of Ireland is provided for the
 Crier at Sessions in and for the said County of Cork, which said
 County was afterwards divided into the said two Ridings, for the
 purpose of having separate and distinct Sessions in each of the said
 Ridings; but no provision was then made either for the division of the
 said Salary of Thirty Pounds between the Criers at Sessions in the
 said Ridings, or for the raising or paying of separate Salaries to each
 of the said Criers; BE it therefore Enacted, That it shall and may
 be lawful for the Grand Jury of the County of Cork, and each Grand
 Jury are hereby required to present to be raised off the respective
 portions of the said County constituting the said East Riding and

50.
 Grand Jury of
 County of
 Cork to pro-
 vide for Sal-
 aries of Criers
 at Sessions in
 each Riding.
 4 G. 4. c. 43.

West Riding, in lieu of the said annual sum of Thirty Pounds, the sum of yearly, as and for the Salary of each of the Criers at Sessions in the said two Ridings; and that all Enactments in the said last-mentioned Act relative to the Salaries of Criers at Sessions shall extend to the said two Salaries of in like manner as if the same had been embodied in this present Act. 5

51.
Expressions
used in this
Act, how to be
interpreted.

And be it Enacted, That wherever the Clerk of the Peace is named in this Act, the provision shall extend to the Acting or Deputy Clerk of the Peace, or other Officer discharging the duties of a Clerk of the Peace under the said Civil Bill Acts; and that the word "Person," wherever used in this Act, shall extend to and include any body politic, sole or aggregate, and that all words importing the singular number or masculine gender, shall be construed to extend to and include many Persons as well as one Person, and females as well as males, unless there be something in the context or provision repugnant to or inconsistent with such construction. 10 15

52.
Commencement of this
Act.

And be it Enacted, That so much of this Act as relates to proceedings by Petition in the nature of a Suit in Equity, shall commence and take effect from and after the *First day of November One thousand eight hundred and Thirty-four*, and all other the provisions of this Act shall commence and take effect from and after the *passing thereof*. 20

53.
Recovery of
Penalties.

And be it Enacted, That all Penalties imposed by this Act not otherwise provided for, shall be forfeited to His Majesty, His Heirs and Successors, and may be sued for and recovered by His Majesty's Attorney General. 25

54.
Act may be
repealed or
amended this
Session.

And be it Enacted, That this Act may be repealed, altered or amended in this present Session of Parliament.



5 WIL. IV.—SESS. 1834.

A

B I L L

To extend the Jurisdiction and regulate the Proceedings of the Civil Bill Courts, and to facilitate the proving of Wills, and obtaining Letters of Administration in certain Cases in Ireland.

(Ordered, by The House of Commons, to be Printed
2 June 1834.)
